

REMARKS

This amendment is being filed after receipt of the "Notice of Allowance and Fee(s) Due" mailed November 11, 2011 and prior to the issuance of a patent.

Applicant requests approval of this amendment under 37 C.F.R. §1.312. The Notice of Allowance for claims 51-104 was accompanied by an Examiner's Amendment reproducing claims 51-53, 63-65, 96, 99, 100, 103 and 104 with an indication that each of these claims was "Presently Amended". However none of these claims showed any amendment. Applicant suggests that the claims be amended as contained herein. In particular Applicant is proposing amendment of claims 51, 52, 54, 55, 59, 63, 66, 67, 75, 78, 79, 83, 87, 88, 90, 91, 95, 99, 100, 101, 102, 103 and 104. As demonstrated below the amendments are directed to matters of form and readability and do not affect the scope of any claim.

Method claims 51, 63, 99 and 101 and apparatus claim 104 are amended in the receiving bids or accepting bids clause. These claims had been amended earlier, in response to a rejection under 35 USC §101, to recite a system of plural computers including a "first computer" for receiving bids and a "second computer" for determining whether or not to terminate an auction. These claims are amended to eliminate any suggestion that more than a single bidder necessarily applies bids to a particular "first computer". The patentability of these claims does not depend on whether one bidder, or more than one bidder, necessarily uses a particular "first computer".

Claim 52 is amended to eliminate the word "is" which has no place in the claim. As amended this claim now matches the claim as presented in the amendment of Jan. 16, 2009.

Claims 54, 55, 59, 66, 67, 78, 79, 83, 88, 90, 91 and 95 are amended to insure proper antecedents. These amendments do not affect the scope of these claims.

Method claim 99 is amended to recite that "at least two bidders participating in each of the auctions". This wording emphasizes that while there must be at least two bidders involved in each auction there is no requirement that any bidder participate in more than a single auction.

Apparatus claims 75, 87, 100, 102, 103 and 104 are amended, in form, so the restriction of at least two bidders participating in the first auction is amended to call for the system

“allowing at least two bidders to participate”.

Apparatus claims 100 and 103 is amended in a fashion similar to claim 99 in that at least two bidders participate in each of the auctions. This emphasizes that while there must be at least two bidders in each auction there is no requirement that any bidder participate in more than a single auction.

Applicant submits that having complied with all the requirements, a patent should be granted for this application. No new matter has been added.

CONCLUSION

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 202-585-6670 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. § 1.136, and any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-1847. Please credit any overpayment to Deposit Account No. 50-1847.

Date: February 13, 2012

Respectfully Submitted

/Stanley B. Green/

Stanley B. Green

Registration No.: 24,351

Manatt, Phelps & Phillips LLP

700 12th Street, N.W, Suite 1100

Washington, DC 2000

Phone: 202.585.6500

Facsimile: 202.585.6600

Attorney(s) for Applicant(s)